

argument misses the mark, as Plaintiff makes no attempt to demonstrate *why* there is a clear absence of all jurisdiction. Further, Plaintiff's objection to the magistrate judge's failure to address his amended count ten, doc. 12, and count eleven, doc. 13, is not well placed. These counts seek monetary damages from immune defendants and Plaintiff's immediate release from jail, issues the magistrate judge addressed in his report and recommendation. Plaintiff's amended counts also seek injunctive relief against further criminal prosecution, however this form of relief is inappropriate. *See Younger v. Harris*, 401 U.S. 37 (1971) (holding that a federal court should not enjoin a state criminal prosecution begun prior to the institution of the federal suit except in very unusual situations, where necessary to prevent immediate irreparable injury); *Samuels v. Mackell*, 401 U.S. 66 (1971) (holding that the considerations in *Younger* require federal courts to abstain from issuing declaratory as well as injunctive relief).

After careful consideration of the record in this case, the magistrate judge's report and recommendation, and plaintiff's objections, the court hereby **ADOPTS** the report of the magistrate judge. The court further **ACCEPTS** the recommendation of the magistrate judge that this action be **DISMISSED** pursuant to 28 U.S.C. § 1915A(b)(1) and (2).

A separate order in conformity with this Memorandum Opinion will be entered contemporaneously herewith.

DONE this 23rd day of December, 2013.

A handwritten signature in black ink, appearing to read "Abdul Kallon", written over a horizontal line.

ABDUL K. KALLON
UNITED STATES DISTRICT JUDGE